?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
%DATED: 04.12.2018
*CORAM
THE HON-BLE MR.JUSTICE R.SUBBIAH
AND
THE HON-BLE MRS. JUSTICE T.KRISHNAVALLI
+W.P.(MD)No.10127 of 2018

#Suresh
: Petitioner
Vs.
$1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Tahsildar,
Aranthangi Taluk,
Pudukottai District.

3.The Assistant Executive Engineer,
Public Works Department
(Water Resource Department)
Aranthangi,
Pudukottai District.

4.The Commissioner,
Aranthangi Panchayat Union,
Aranthangi,
Pudukottai District.

5.S.Chidambaram
6.S.Marimuthu
7.S.Kalimuthu
8.Jeyshankar
9.Velu
10.Mallika
11.Valli
12.Seenivasan
13.Muthaiah
14.Moorthy
15.Raja
16.Vasantha
: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 to 16 in the irrigation channel (Kurumbakulam to Periyakulam) comprised in Survey No.71/8 & 72/3, Rethinakottai Village, Aranthangi Taluk, Pudukottai District by considering the petitioner-s representation dated 08.08.2017.

!For Petitioner : Mr.T.Leninkumar
^For R1 to R3 : Mr.M.Jeyakumar
Additional Government Pleader
For R5,R7 to R13
and R16 : Mr.N.Balakrishnan

:ORDER

[Order of the Court was made by R.SUBBIAH, J]

The Petitioner has come forward with this Writ Petition seeking to issue a Writ of Mandamus directing the respondent Nos. 1 to 4 to remove the encroachment made by the respondent Nos. 5 to 16 in the irrigation channel (Kurumbakulam to Periyakulam) comprised in Survey No.71/8 & 72/3, Rethinakottai Village, Aranthangi Taluk, Pudukottai District, by considering the petitioner-s representation dated 08.08.2017.

2.Heard Mr.T.Leninkumar, learned counsel appearing for the petitioner, Mr.M.Jeyakumar, learned Additional Government Pleader appearing for the respondents Nos.1 to 3 and Mr.N.Balakrishnan, learned counsel appearing for the respondent Nos.5,7 to 13 & 16..

3.The case of the petitioner is that the petitioner is residing in Rathinakottai Village and 500 families are residing in the said Village and there is a tank viz., Kurumbakulam. After filling up of water in the said Tank, the excess water will flow through the irrigation channel to Periyakulam Tank and 295 acres of lands are depending upon the said Periyakulam Tank for agricultural purpose. In such circumstances, the respondent Nos.5 to 16 had constructed a compound wall obstructing the said channel. Due to which, the said Periyakulam Tank is not able to get water from Kurumbakulam Tank. In this regard, the petitioner has made a representation on 08.08.2017 to the respondent Nos.1 to 3. On receipt of the said representation, the first respondent in his proceedings dated 11.08.2017 in O.Mu.E.1/4045/2017 directed the second respondent to take action on the petitioner-s representation. Thereafter, the third respondent by his proceedings dated 11.08.2017, forwarded the petitioner-s representation to the fourth respondent stating that the said Tank and Channel are belonging to the fourth respondent Department and he has to take action. Since the fourth respondent has not taken any action, the present writ petition has been filed.

4.In view of the above, we are of the opinion that there is no need to keep the writ petition pending and the writ petition is disposed of directing the fourth respondent to consider the petitioner-s representation dated 08.08.2017 by affording an opportunity of hearing to the petitioner as well as the respondent Nos.5 to 16 and pass appropriate orders on merit and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

To

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Tahsildar,
Aranthangi Taluk,
Pudukottai District.

3.The Assistant Executive Engineer,
Public Works Department
(Water Resource Department)
Aranthangi,
Pudukottai District.